

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; STATE OF
ARIZONA; STATE OF ILLINOIS; and
STATE OF OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity
as President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; BENJAMINE HUFFMAN, in
his official capacity as Acting Secretary of
Homeland Security; U.S. SOCIAL
SECURITY ADMINISTRATION;
MICHELLE KING, in her official capacity
as Acting Commissioner of the Social
Security Administration; U.S.
DEPARTMENT OF STATE; MARCO
RUBIO, in his official capacity as Secretary
of State; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
DOROTHY FINK, in her official capacity
as Acting Secretary of Health and Human
Services; U.S. DEPARTMENT OF
JUSTICE; JAMES MCHENRY, in his
official capacity as Acting Attorney
General; U.S. DEPARTMENT OF
AGRICULTURE, GARY WASHINGTON,
in his official capacity as Acting Secretary
of Agriculture; and the UNITED STATES
OF AMERICA,

Defendants.

NO. 2:25-CV-00127

[PROPOSED] TEMPORARY
RESTRAINING ORDER

I. INTRODUCTION

This matter came before the Court on the emergency Motion for a Temporary Restraining Order filed by the States of Washington, Arizona, Illinois, and Oregon (Plaintiff States). The Plaintiff States challenge an Executive Order issued January 20, 2025, by President Trump, entitled “Protecting the Meaning and Value of American Citizenship.” Having considered the motion, Defendants’ response, if any, and the argument of the parties, if any, the Court GRANTS the Plaintiff States’ emergency motion for a 14-day Temporary Restraining Order effective at 12:01am on January __, 2025. The Court enters the following findings of fact and conclusions of law.

II. FINDINGS OF FACTS

1. Plaintiff States took the following steps to provide sufficient notice to Defendants:

- a. In advance of filing, on the morning of January 21, 2025, called the office of the United States Attorney for the Western District of Washington and emailed the United States Attorney for the Western District of Washington and the Chief of the Civil Division, to notify the office of Plaintiffs States’ intention to file the complaint and motion in the near term.
- b. Once filed, provided a copy by hand delivery and email of the complaint, motion, declarations, and exhibits to the United States Attorney’s Office for the Western District of Washington;
- c. Sent a copy of the same by certified mail to the Attorney General of the United States in Washington D.C.

2. Plaintiff States face irreparable injury as a result of the signing and implementation of Executive Order. The Order harms the Plaintiff States directly by forcing state agencies to lose federal funding and incur substantial costs to provide essential and legally required medical care and social services to resident children subject to the Order. Plaintiff

1 States' residents are also irreparably harmed by depriving them of their constitutional right to
 2 citizenship and all the associated rights and benefits, including: subjecting them to risk of
 3 deportation and family separation; depriving them of access to federal funding for medical care
 4 and eligibility for basic public benefits that prevent child poverty and promote child health; and
 5 impacting their education, employment, and health.

6 3. These harms are immediate, ongoing, and significant, and cannot be remedied in
 7 the ordinary course of litigation.

8 4. A temporary restraining order against Defendants, as provided below, is
 9 necessary until a hearing on Plaintiff States' forthcoming motion for a preliminary injunction
 10 can be held.

11 III. CONCLUSIONS OF LAW

12 1. The Court has jurisdiction over Defendants and the subject matter of this action.

13 2. Plaintiffs' efforts to contact Defendants reasonably and substantially complied
 14 with the requirements of Federal Rule of Civil Procedure 65(b) and Local Civil Rule 65(b).

15 3. The Court deems no security bond is required under Rule 65(c).

16 4. To obtain a temporary restraining order, the Plaintiff States must establish (1)
 17 they are likely to succeed on the merits; (2) irreparable harm is likely in the absence of
 18 preliminary relief; (3) the balance of equities tips in the Plaintiffs' favor; and (4) an injunction
 19 is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); Fed. R.
 20 Civ. P. 65(b)(1).

21 5. Based on the Findings of Fact set forth above and established Supreme Court
 22 precedent, there is a strong likelihood that Plaintiffs will succeed on the merits of their claims
 23 that the Executive Order violates the Fourteenth Amendment and Immigration and Nationality
 24 Act. *See United States v. Wong Kim Ark*, 169 U.S. 649, 654 (1898); *Regan v. King*, 49 F. Supp.
 25 222, 223 (N.D. Cal. 1942), *aff'd*, 134 F.2d 413 (9th Cir. 1943), *cert denied*, 319 U.S. 753 (1943);
 26 *see also Gee v. United States*, 49 F. 146, 148 (9th Cir. 1892).

6. The Plaintiff States have also shown that they are likely to suffer irreparable harm in the absence of preliminary relief. The Executive Order will directly impact Plaintiff States, immediately increasing unrecoverable costs for providing essential medical care and social services to States's residents and creating substantial administrative burdens for state agencies. The Order also irreparably harms residents of Plaintiff States, depriving them of their constitutional right to citizenship and all the associated rights and benefits, immediately and irreparably harming their safety, security, and health.

7. The balance of equities tips toward the Plaintiff States and the public interest strongly weighs in favor of entering temporary relief.

IV. TEMPORARY RESTRAINING ORDER

Now, therefore, it is hereby ORDERED that:

1. Defendants and all their respective officers, agents, servants, employees and attorneys, and any person in active concert or participation with them who receive actual notice of this order are hereby fully enjoined from the following:

- a. Enforcing or implementing Section 2(a) of the Executive Order;
- b. Enforcing or implementing Section 3(a) of the Executive Order; or
- c. Enforcing or implementing Section 3(b) of the Executive Order.

2. This injunction remains in effect pending further orders from this Court.

3. Defendants shall remain enjoined until an expedited hearing can be held on the Plaintiff States' forthcoming motion for a preliminary injunction at _____ a.m./p.m. on _____ day of _____ 2025.

Dated this _____ hour of this _____ day of January 2025.

UNITED STATES DISTRICT JUDGE

1 Presented by:

2 NICHOLAS W. BROWN
3 Attorney General

4 s/ Lane M. Polozola

COLLEEN M. MELODY, WSBA #42275
Civil Rights Division Chief
5 LANE M. POLOZOLA, WSBA #50138
DANIEL J. JEON, WSBA #58087
6 ALYSON DIMMITT GNAM, WSBA #48143
Assistant Attorneys General
7 Wing Luke Civil Rights Division
Office of the Washington State Attorney General
8 800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
9 (206) 464-7744
colleen.melody@atg.wa.gov
10 lane.polozola@atg.wa.gov
daniel.jeon@atg.wa.gov
11 alyson.dimmittgnam@atg.wa.gov

12 *Attorneys for Plaintiff State of Washington*

13 KRIS MAYES
14 *Attorney General of Arizona*

15 s/ Joshua Bendor

Joshua D. Bendor (AZ No. 031908)*
16 Luci D. Davis (AZ No. 035347)*
Gabriela Monico Nunez (AZ No. 039652)*
17 Office of the Arizona Attorney General
Firm State Bar No. 14000
18 2005 N. Central Ave.
Phoenix, AZ 85004
19 (602) 542-3333
Joshua.Bendor@azag.gov
20 Luci.Davis@azag.gov
Gabriela.MonicoNunez@azag.gov
21 ACL@azag.gov

22 **Pro hac vice motions forthcoming*
23 *Attorneys for Plaintiff State of Arizona*

24 KWAME RAOUL
Attorney General, State of Illinois

25 s/ Rebekah Newman

26 REBEKAH NEWMAN, ARDC #6327372*
Assistant Attorney General

1 Special Litigation Bureau
2 Office of the Illinois Attorney General
3 115 South LaSalle St., Floor 35
4 Chicago, IL 60603
5 Tel. (773) 590-6961
6 rebekah.newman@ilag.gov

7 **Pro hac vice motion forthcoming*
8 *Attorneys for Plaintiff State of Illinois*

9 DAN RAYFIELD
10 *Attorney General, State of Oregon*

11 /s/ Carla A. Scott
12 CARLA A. SCTOTT, WSBA #39947
13 Senior Assistant Attorney General
14 Oregon Department of Justice
15 100 SW Market Street
16 Portland, OR 97201
17 (971) 673-1880
18 Carla.A.Scott@doj.oregon.gov

19 *Attorneys for Plaintiff State of Oregon*
20
21
22
23
24
25
26